

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

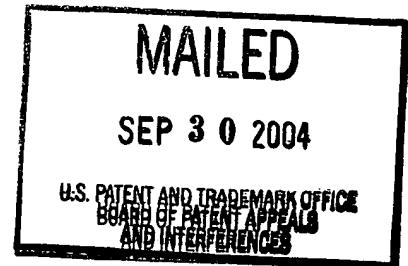
Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ROSS MILLER

Application No. 09/751,577



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on August 23, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

An Amendment after appeal was filed on August 15, 2003, together with an Appeal Brief. It appears, however, that the examiner has not considered the Amendment.

Application No. 09/751,577

Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of the Amendment filed on August 15, 2003, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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